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December 8, 2005

**VIA FACSIMILE AND FIRST CLASS MAIL**

Sean P. DeBruine, Esq.  
Akin Gump Strauss Hauer & Feld LLP  
580 California St., Suite 1500  
San Francisco, CA 94104-1036

Re: Lumileds Lighting U.S. LLC v. Epistar Corp. & United Epitaxy Co., Ltd.  
Case No. C 05-0451 MEJ (N.D. Cal.)

Dear Sean:

I write in response to your letter of December 2, 2005. Lumileds agrees to your proposed January 30, 2006 due date for defendants Epistar and UEC to serve their answer in the District Court action.

Regarding Lumileds' Related Case Motion that we discussed last week, Lumileds intends to file this motion concurrently with its declination to proceed before Magistrate Judge James, which must be filed with the Court on Monday, December 12, 2005. Please see the enclosed Court Order directing the parties to file their consents or declinations by this date. Therefore, please notify me by Friday, December 9, 2005 at 12:00 p.m. (Pacific) whether Defendants will oppose Lumileds' Related Case Motion requesting that this case be assigned to Judge Wilken. If I do not hear from you otherwise, we will assume that the Defendants intend to oppose the motion.

Sincerely,

*Daniel L. Wu for DJJ*

Daniel Johnson, Jr.

Enclosure

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8 LUMILEDS LIGHTING U.S., LLC,

No. C 05-4521 MEJ

9 Plaintiff(s),

10 vs.

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13 **ORDER DIRECTING PARTIES TO FILE  
14 CONSENT/DECLINATION FORM**

15 EPISTAR CORP., and UNITED EPITAXY CO.,  
16 LTD.,

17 Defendant(s).  
18 \_\_\_\_\_/

19 Pending before the Court is Carl P. Bretscher, Tyler Goodwyn, and Todd P. Taylor's  
20 Application to appear *pro hac vice*, filed on November 10, 2005. Upon review of the record in this  
21 action, the Court notes that the parties have not filed written consents to Magistrate Judge James'  
22 jurisdiction or requests for reassignment to a United States District Court judge for trial. This civil  
23 case was randomly assigned to United States Magistrate Judge Maria-Elena James for all purposes  
24 including trial. In accordance with Title 28, U.S.C. § 636(c), the Magistrate Judges of this District  
25 Court are designated to conduct any and all proceedings in a civil case, including a jury or non-jury  
26 trial, and to order the entry of final judgment, upon the consent of the parties. An appeal from a  
27 judgment entered by Magistrate Judge James may be taken directly to the United States Court of  
28 Appeals for the Ninth Circuit in the same manner as an appeal from any other judgment of a district

1 court.

2 You have the right to have your case assigned to a United States District Judge for trial and  
3 disposition. Accordingly, the parties shall inform the Court whether they consent to Magistrate  
4 Judge James' jurisdiction or request reassignment to a United States District Judge for trial. A copy  
5 of both the consent and declination forms may be obtained from the Northern District of California's  
6 website at <http://www.cand.uscourts.gov/>. From the homepage, click on the "Forms" tab on the left  
7 margin, then choose "Civil." The parties shall inform the Court as soon as possible, but no later than  
8 December 12, 2005.

9 **IT IS SO ORDERED.**

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11 Dated: November 14, 2005

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MARIA ELENA JAMES  
United States Magistrate Judge

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**FAXED**

**DEC 08 2005**

**By** *[Signature]*

**SEND TO**

Name:	Sean P. DeBruine, Esq.	Firm:	Akin Gump Strauss Hauer & Feld LLP
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